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**STATE OF IOWA**

# **Senate Journal**

**THURSDAY, MARCH 24, 2011**

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# JOURNAL OF THE SENATE

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SEVENTY-FOURTH CALENDAR DAY  
FORTY-FOURTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, March 24, 2011

The Senate met in regular session at 9:08 a.m., President Kibbie presiding.

Prayer was offered by Pastor Dwight Grosvenor of the Griswold United Methodist Church in Griswold, Iowa. He was the guest of Senator Boettger.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Ethan Fredrick.

The Journal of Wednesday, March 23, 2011, was approved.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 23, 2011, **passed** the following bills in which the concurrence of the House was asked:

**Senate File 299**, a bill for an act relating to environmental protection, including solid waste, sewage works, hazardous waste, infectious medical waste, and pesticide and fertilizer contamination.

**Senate File 429**, a bill for an act placing the agricultural development authority within the department of agriculture and land stewardship.

**Senate File 464**, a bill for an act allowing the establishment of an open season for hunting mourning doves.

ALSO: That the House has on March 23, 2011, **amended and passed** the following bills in which the concurrence of the Senate is asked:

**Senate File 233**, a bill for an act relating to entitling mental health counselors to payment for behavioral health services provided under the Medicaid program. (S-3173)

**Senate File 361**, a bill for an act authorizing the Iowa state fair board to establish an endowment fund to receive gifts in trust dedicated to the maintenance and improvement of the Iowa state fairgrounds. (S-3172)

ALSO: That the House has on March 23, 2011, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 454**, a bill for an act permitting city utilities and certain cities to delegate the authority to certify unpaid rates or charges for collection by the county treasurer.

Read first time and referred to committee on **Local Government**.

**House File 473**, a bill for an act relating to bidding and contracting for public improvement, public works, and public road projects and including effective date and applicability provisions.

Read first time and referred to committee on **Labor and Business Relations**.

**House File 597**, a bill for an act creating new procedures for external review of health care coverage decisions by health carriers and including transition and applicability provisions.

Read first time and referred to committee on **Commerce**.

**House File 643**, a bill for an act relating to environmental protection, by transferring certain powers and duties to the department of agriculture and land stewardship, and including effective date provisions.

Read first time and referred to committee on **Natural Resources and Environment**.

### SPECIAL GUESTS

Senator Johnson introduced to the Senate chamber Becky Algood, Ken Fawcett, Herb Wilson, Pete Swisher, and Pam Freeland, representing the Herbert Hoover Presidential Library Association, the Hoover Presidential Library-Museum, and the Hoover National Historic Site in West Branch.

The Senate rose and expressed its welcome.

President Kibbie announced the 2011 Herbert Hoover Uncommon Public Service Award recipient, Senator Robert E. Dvorsky.

The Senate rose and expressed its congratulations.

### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:25 a.m. until 1:00 p.m., Monday, March 28, 2011.

### APPENDIX

#### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Senator Robert E. Dvorsky, Coralville—For receiving the Herbert Hoover Uncommon Public Service Award. Senators Johnson and Kibbie (3/24/11).

Nellie Franck, Maquoketa—For celebrating her 100<sup>th</sup> birthday. Senator Bowman (3/24/11).

Loras College Judo Club, Junior and Senior “Golden Shiai”—For celebrating 50 Golden Years. Senator Hamerlinck (3/24/11).

George and Virginia Turner, Oskaloosa—For celebrating their 65<sup>th</sup> wedding anniversary. Senator Rielly (3/24/11).

## REPORTS OF COMMITTEE MEETINGS

### APPROPRIATIONS

**Convened:** Wednesday, March 23, 2011, 3:00 p.m.

**Members Present:** Dvorsky, Chair; Kettering, Ranking Member; Bartz, Black Boettger, Bolkcom, Danielson, Dix, Dotzler, Fraise, Hancock, Hatch, Hogg, Houser, Jochum, Johnson, Kapucian, Ragan, and Schoenjahn.

**Members Absent:** McCoy, Vice Chair; and Seymour (both excused).

**Committee Business:** Approved [SSB 1199](#), as amended.

**Recessed:** 3:05 p.m.

**Reconvened:** 3:40 p.m.

**Adjourned:** 4:10 p.m.

### JUDICIARY

**Convened:** Thursday, March 24, 2011, 11:10 a.m.

**Members Present:** Fraise, Chair; Hogg, Vice Chair; Boettger, Ranking Member; Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, and Whitver.

**Members Absent:** Ward (excused).

**Committee Business:** Approved HF's 321 and 565. Approved governor's appointees.

**Adjourned:** 11:35 a.m.

### LOCAL GOVERNMENT

**Convened:** Thursday, March 24, 2011, 1:05 p.m.

**Members Present:** Wilhelm, Chair; Beall, Vice Chair; Bartz, Ranking Member; Bacon, Bowman, Ernst, Hamerlinck, McCoy, Quirmbach, and Rielly.

**Members Absent:** Schoenjahn (excused).

**Committee Business:** Approved HF's 132, 512, and 569.

**Adjourned:** 1:20 p.m.

## INTRODUCTION OF BILLS

**Senate File 514**, by committee on Ways and Means, a bill for an act relating to the administration of the redevelopment tax credit program for brownfields and grayfields and including retroactive applicability provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

**Senate File 515**, by committee on Ways and Means, a bill for an act relating to the administration of the streamlined sales tax agreement by the department of revenue.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

**Senate File 516**, by committee on Ways and Means, a bill for an act providing income tax credits for the construction and installation of solar energy systems and wind energy systems, and including effective date and retroactive applicability provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

## SUBCOMMITTEE ASSIGNMENT

### **House File 643**

NATURAL RESOURCES AND ENVIRONMENT: Dearden, Chair; Black and Hahn

## FINAL COMMITTEE REPORTS OF BILL ACTION

### JUDICIARY

**Bill Title:** **HOUSE FILE 321 (HSB 65)**, a bill for an act modifying the duties of a county attorney relating to schools and to the extradition of criminal defendants and securing of certain witnesses.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, and Whitver. Nays, none. Absent, 1: Ward.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** [HOUSE FILE 565 \(HSB 166\)](#), a bill for an act relating to business entities by providing for service of process for foreign corporations and the naming of professional limited liability companies, and including effective and applicability date provisions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, and Whitver. Nays, none. Absent, 1: Ward.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**LOCAL GOVERNMENT**

**Bill Title:** [HOUSE FILE 132](#), a bill for an act relating to the filing requirements for certain ordinances relating to a division of revenue.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Wilhelm, Beall, Bartz, Bacon, Bowman, Ernst, Hamerlinck, McCoy, Quirmbach, and Rielly. Nays, none. Absent, 1: Schoenjahn.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** [HOUSE FILE 512 \(HSB 59\)](#), a bill for an act providing an exemption from standards and requirements otherwise applicable to the investment of public funds by specified state departments, agencies, and political subdivisions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Wilhelm, Beall, Bartz, Bacon, Bowman, Ernst, Hamerlinck, McCoy, Quirmbach, and Rielly. Nays, none. Absent, 1: Schoenjahn.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** [HOUSE FILE 569](#) (formerly [HF 223](#)), a bill for an act relating to filling vacancies in the office of representative in Congress and in elective city offices.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Wilhelm, Beall, Bartz, Bacon, Bowman, Ernst, Hamerlinck, McCoy, Quirmbach, and Rielly. Nays, none. Absent, 1: Schoenjahn.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### WAYS AND MEANS

**Bill Title:** \*[SENATE FILE 514](#) (formerly [SF 237](#)), a bill for an act relating to the administration of the redevelopment tax credit program for brownfields and grayfields and including retroactive applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Bolkcom, Seng, Zaun, Anderson, Bartz, Black, Chelgren, Dandekar, Dotzler, Feenstra, Hogg, Jochum, McCoy, Quirmbach, and Smith. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on [Senate File 514](#), and they were attached to the committee report.

#### ALSO:

**Bill Title:** \*[SENATE FILE 515](#) ([SSB 1074](#)), a bill for an act relating to the administration of the streamlined sales tax agreement by the department of revenue.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Bolkcom, Seng, Zaun, Anderson, Bartz, Black, Dandekar, Dotzler, Feenstra, Hogg, Jochum, Quirmbach, and Smith. Nays, none. Present, 1: Chelgren. Absent, 1: McCoy.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on [Senate File 515](#), and they were attached to the committee report.

#### ALSO:

**Bill Title:** \*[SENATE FILE 516](#) ([SSB 1196](#)), a bill for an act providing income tax credits for the construction and installation of solar energy systems and wind energy systems, and including effective date and retroactive applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Bolkcom, Seng, Zaun, Anderson, Bartz, Black, Dandekar, Dotzler, Feenstra, Hogg, Jochum, Quirmbach, and Smith. Nays, 1: Chelgren. Absent, 1: McCoy.



**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on [Senate File 516](#), and they were attached to the committee report.

## BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 24<sup>th</sup> day of March, 2011.

[Senate File 464](#).

MICHAEL E. MARSHALL  
Secretary of the Senate

## AMENDMENTS FILED

S-3172	S.F.	361	House
S-3173	S.F.	233	House
S-3174	S.F.	361	Dick L. Dearden
S-3175	S.F.	467	Jeff Danielson
			William A. Dotzler, Jr.